

Union Calendar No. 202

111TH CONGRESS
1ST SESSION

H. R. 2652

[Report No. 111-351]

To amend title 46, United States Code, to improve vessel safety, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 2, 2009

Mr. OBERSTAR (for himself and Mr. CUMMINGS) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

DECEMBER 3, 2009

Additional sponsors: Mr. LARSEN of Washington and Mr. DELAHUNT

DECEMBER 3, 2009

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italics]

[For text of introduced bill, see copy of bill as introduced on June 2, 2009]

A BILL

To amend title 46, United States Code, to improve vessel safety, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 *This Act may be cited as the “Maritime Safety Act*
 3 *of 2009”.*

4 **SEC. 2. VESSEL SIZE LIMITS.**

5 (a) *LENGTH, TONNAGE, AND HORSEPOWER.*—Section
 6 *12113(d)(2) of title 46, United States Code, is amended—*

7 *(1) by inserting “and” after the semicolon at the*
 8 *end of subparagraph (A)(i);*

9 *(2) by striking “and” at the end of subpara-*
 10 *graph (A)(ii);*

11 *(3) by striking subparagraph (A)(iii);*

12 *(4) by striking the period at the end of subpara-*
 13 *graph (B) and inserting “; or”; and*

14 *(5) by inserting at the end the following:*

15 *“(C) the vessel is either a rebuilt vessel or*
 16 *a replacement vessel under section 208(g) of the*
 17 *American Fisheries Act (title II of division C of*
 18 *Public Law 105–277; 112 Stat. 2681–627) and*
 19 *is eligible for a fishery endorsement under this*
 20 *section.”.*

21 (b) *CONFORMING AMENDMENTS.*—

22 (1) *VESSEL REBUILDING AND REPLACEMENT.*—
 23 *Section 208(g) of the American Fisheries Act (title II*
 24 *of division C of Public Law 105–277; 112 Stat. 2681–*
 25 *627) is amended to read as follows:*

26 “(g) *VESSEL REBUILDING AND REPLACEMENT.*—

1 “(1) *IN GENERAL.*—

2 “(A) *REBUILD OR REPLACE.*—*Notwith-*
3 *standing any limitation to the contrary on re-*
4 *placing, rebuilding, or lengthening vessels or*
5 *transferring permits or licenses to a replacement*
6 *vessel contained in sections 679.2 and 679.4 of*
7 *title 50, Code of Federal Regulations, as in effect*
8 *on the date of enactment of the Maritime Safety*
9 *Act of 2009 and except as provided in paragraph*
10 *(4), the owner of a vessel eligible under sub-*
11 *section (a), (b), (c), (d), or (e) (other than para-*
12 *graph (21)), in order to improve vessel safety*
13 *and operational efficiencies (including fuel effi-*
14 *ciency), may rebuild or replace that vessel (in-*
15 *cluding fuel efficiency) with a vessel documented*
16 *with a fishery endorsement under section 12113*
17 *of title 46, United States Code.*

18 “(B) *SAME REQUIREMENTS.*—*The rebuilt or*
19 *replacement vessel shall be eligible in the same*
20 *manner and subject to the same restrictions and*
21 *limitations under such subsection as the vessel*
22 *being rebuilt or replaced.*

23 “(C) *TRANSFER OF PERMITS AND LI-*
24 *CENSES.*—*Each fishing permit and license held*
25 *by the owner of a vessel or vessels to be rebuilt*

1 or replaced under subparagraph (A) shall be
2 transferred to the rebuilt or replacement vessel.

3 “(2) *RECOMMENDATIONS OF NORTH PACIFIC*
4 *FISHERY MANAGEMENT COUNCIL.*—*The North Pacific*
5 *Fishery Management Council may recommend for ap-*
6 *proval by the Secretary such conservation and man-*
7 *agement measures, including size limits and measures*
8 *to control fishing capacity, in accordance with the*
9 *Magnuson-Stevens Act as it considers necessary to en-*
10 *sure that this subsection does not diminish the effec-*
11 *tiveness of fishery management plans of the Bering*
12 *Sea and Aleutian Islands Management Area or the*
13 *Gulf of Alaska.*

14 “(3) *SPECIAL RULE FOR REPLACEMENT OF CER-*
15 *TAIN VESSELS.*—

16 “(A) *IN GENERAL.*—*Notwithstanding the re-*
17 *quirements of subsections (b)(2), (c)(1), and*
18 *(c)(2) of section 12113 of title 46, United States*
19 *Code, a vessel that is eligible under subsection*
20 *(a), (b), (c), (d), or (e) (other than paragraph*
21 *(21)) and that qualifies to be documented with*
22 *a fishery endorsement pursuant to section 203(g)*
23 *or 213(g) may be replaced with a replacement*
24 *vessel under paragraph (1) if the vessel that is*
25 *replaced is validly documented with a fishery en-*

1 *dorsement pursuant to section 203(g) or 213(g)*
2 *before the replacement vessel is documented with*
3 *a fishery endorsement under section 12113 of*
4 *title 46, United States Code.*

5 “(B) *APPLICABILITY.*—A replacement vessel
6 *under subparagraph (A) and its owner and*
7 *mortgagee are subject to the same limitations*
8 *under section 203(g) or 213(g) that are applica-*
9 *ble to the vessel that has been replaced and its*
10 *owner and mortgagee.*

11 “(4) *SPECIAL RULES FOR CERTAIN CATCHER*
12 *VESSELS.*—

13 “(A) *IN GENERAL.*—A replacement for a
14 *covered vessel described in subparagraph (B) is*
15 *prohibited from harvesting fish in any fishery*
16 *(except for the Pacific whiting fishery) managed*
17 *under the authority of any Regional Fishery*
18 *Management Council (other than the North Pa-*
19 *cific Fishery Management Council) established*
20 *under section 302(a) of the Magnuson-Stevens*
21 *Act.*

22 “(B) *COVERED VESSELS.*—A covered vessel
23 *referred to in subparagraph (A) is—*

1 “(i) a vessel eligible under subsection
2 (a), (b), or (c) that is replaced under para-
3 graph (1); or

4 “(ii) a vessel eligible under subsection
5 (a), (b), or (c) that is rebuilt to increase its
6 registered length, gross tonnage, or shaft
7 horsepower.

8 “(5) *LIMITATION ON FISHERY ENDORSEMENTS.*—
9 Any vessel that is replaced under this subsection shall
10 thereafter not be eligible for a fishery endorsement
11 under section 12113 of title 46, United States Code,
12 unless that vessel is also a replacement vessel de-
13 scribed in paragraph (1).

14 “(6) *GULF OF ALASKA LIMITATION.*—Notwith-
15 standing paragraph (1), the Secretary shall prohibit
16 from participation in the groundfish fisheries of the
17 Gulf of Alaska any vessel that is rebuilt or replaced
18 under this subsection and that exceeds the maximum
19 length overall specified on the license that authorizes
20 fishing for groundfish pursuant to the license limita-
21 tion program under part 679 of title 50, Code of Fed-
22 eral Regulations, as in effect on the date of enactment
23 of the Maritime Safety Act of 2009.

24 “(7) *AUTHORITY OF PACIFIC COUNCIL.*—Nothing
25 in this section shall be construed to diminish or other-

1 *wise affect the authority of the Pacific Council to rec-*
 2 *ommend to the Secretary conservation and manage-*
 3 *ment measures to protect fisheries under its jurisdic-*
 4 *tion (including the Pacific whiting fishery) and par-*
 5 *ticipants in such fisheries from adverse impacts*
 6 *caused by this Act.”.*

7 (2) *EXEMPTION OF CERTAIN VESSELS.—Section*
 8 *203(g) of the American Fisheries Act (title II of divi-*
 9 *sion C of Public Law 105–277; 112 Stat. 2681–620)*
 10 *is amended—*

11 (A) *by inserting “and” after “(United*
 12 *States official number 651041)”;*

13 (B) *by striking “, NORTHERN TRAV-*
 14 *ELER (United States official number 635986),*
 15 *and NORTHERN VOYAGER (United States of-*
 16 *ficial number 637398) (or a replacement vessel*
 17 *for the NORTHERN VOYAGER that complies*
 18 *with paragraphs (2), (5), and (6) of section*
 19 *208(g) of this Act)”;* and

20 (C) *by striking “, in the case of the*
 21 *NORTHERN” and all that follows through*
 22 *“PHOENIX,”.*

23 (3) *FISHERY COOPERATIVE EXIT PROVISIONS.—*
 24 *Section 210(b) of the American Fisheries Act (title II*

1 *of division C of Public Law 105–277; 112 Stat. 2681–*
2 *629) is amended—*

3 *(A) by moving the matter beginning with*
4 *“the Secretary shall” in paragraph (1) 2 ems to*
5 *the right; and*

6 *(B) by adding at the end the following:*

7 *“(7) FISHERY COOPERATIVE EXIT PROVISIONS.—*

8 *“(A) FISHING ALLOWANCE DETERMINA-*
9 *TION.—For purposes of determining the aggre-*
10 *gate percentage of directed fishing allowances*
11 *under paragraph (1), when a catcher vessel is re-*
12 *moved from the directed pollock fishery, the fish-*
13 *ery allowance for pollock for the vessel being re-*
14 *moved—*

15 *“(i) shall be based on the catch history*
16 *determination for the vessel made pursuant*
17 *to section 679.62 of title 50, Code of Federal*
18 *Regulations, as in effect on the date of en-*
19 *actment of the Maritime Safety Act of 2009;*
20 *and*

21 *“(ii) shall be assigned, for all purposes*
22 *under this title, in the manner specified by*
23 *the owner of the vessel being removed to any*
24 *other catcher vessel or among other catcher*
25 *vessels participating in the fishery coopera-*

1 *tive if such vessel or vessels remain in the*
2 *fishery cooperative for at least one year*
3 *after the date on which the vessel being re-*
4 *moved leaves the directed pollock fishery.*

5 “(B) *ELIGIBILITY FOR FISHERY ENDORSE-*
6 *MENT.—Except as provided in subparagraph*
7 *(C), a vessel that is removed pursuant to this*
8 *paragraph shall be permanently ineligible for a*
9 *fishery endorsement, and any claim (including*
10 *relating to catch history) associated with such*
11 *vessel that could qualify any owner of such vessel*
12 *for any permit to participate in any fishery*
13 *within the exclusive economic zone of the United*
14 *States shall be extinguished, unless such removed*
15 *vessel is thereafter designated to replace a vessel*
16 *to be removed pursuant to this paragraph.*

17 “(C) *LIMITATIONS ON STATUTORY CON-*
18 *STRUCTION.—Nothing in this paragraph shall be*
19 *construed—*

20 “(i) *to make the vessels AJ (United*
21 *States official number 905625), DONA*
22 *MARTITA (United States official number*
23 *651751), NORDIC EXPLORER (United*
24 *States official number 678234), and*
25 *PROVIDIAN (United States official num-*

ber 1062183) ineligible for a fishery endorsement or any permit necessary to participate in any fishery under the authority of the New England Fishery Management Council or the Mid-Atlantic Fishery Management Council established, respectively, under subparagraphs (A) and (B) of section 302(a)(1) of the Magnuson-Stevens Act; or

“(ii) to allow the vessels referred to in clause (i) to participate in any fishery under the authority of the Councils referred to in clause (i) in any manner that is not consistent with the fishery management plan for the fishery developed by the Councils under section 303 of the Magnuson-Stevens Act.”.

SEC. 3. COLD WEATHER SURVIVAL TRAINING.

The Commandant of the Coast Guard shall report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the efficacy of cold weather survival training conducted by the Coast Guard in Coast Guard District 17 over the preceding 5 years. The report shall include plans for conducting such training in fiscal years 2010 through 2013.

1 **SEC. 4. FISHING VESSEL SAFETY.**

2 (a) *SAFETY STANDARDS.*—Section 4502 of title 46,
3 *United States Code*, is amended—

4 (1) in subsection (a), by—

5 (A) striking paragraphs (6) and (7) and in-
6 serting the following:

7 “(6) other equipment required to minimize the
8 risk of injury to the crew during vessel operations, if
9 the Secretary determines that a risk of serious injury
10 exists that can be eliminated or mitigated by that
11 equipment; and”; and

12 (B) redesignating paragraph (8) as para-
13 graph (7);

14 (2) in subsection (b)—

15 (A) in paragraph (1) in the matter pre-
16 ceding subparagraph (A), by striking “docu-
17 mented”;

18 (B) in paragraph (1)(A), by striking “the
19 Boundary Line” and inserting “3 nautical miles
20 from the baseline from which the territorial sea
21 of the United States is measured or beyond 3
22 nautical miles from the coastline of the Great
23 Lakes”;

24 (C) in paragraph (2)(B), by striking “life-
25 boats or liferafts” and inserting “a survival craft

1 *that ensures that no part of an individual is im-*
2 *mersed in water”;*

3 *(D) in paragraph (2)(D), by inserting “ma-*
4 *rine” before “radio”;*

5 *(E) in paragraph (2)(E), by striking*
6 *“radar reflectors, nautical charts, and anchors”*
7 *and inserting “nautical charts, and publica-*
8 *tions”;*

9 *(F) in paragraph (2)(F), by striking “, in-*
10 *cluding medicine chests” and inserting “and*
11 *medical supplies sufficient for the size and area*
12 *of operation of the vessel” and*

13 *(G) by amending paragraph (2)(G) to read*
14 *as follows:*

15 *“(G) ground tackle sufficient for the vessel.”;*

16 *(3) by amending subsection (f) to read as follows:*

17 *“(f) To ensure compliance with the requirements of*
18 *this chapter, the Secretary—*

19 *“(1) shall require the individual in charge of a*
20 *vessel described in subsection (b) to keep a record of*
21 *equipment maintenance, and required instruction*
22 *and drills; and*

23 *“(2) shall examine at dockside a vessel described*
24 *in subsection (b) at least once every 2 years, and shall*

1 *issue a certificate of compliance to a vessel meeting*
2 *the requirements of this chapter.”; and*

3 *(4) by adding at the end the following:*

4 “(g)(1) *The individual in charge of a vessel described*
5 *in subsection (b) must pass a training program approved*
6 *by the Secretary that meets the requirements in paragraph*
7 *(2) of this subsection and hold a valid certificate issued*
8 *under that program.*

9 “(2) *The training program shall—*

10 “(A) *be based on professional knowledge and skill*
11 *obtained through sea service and hands-on training,*
12 *including training in seamanship, stability, collision*
13 *prevention, navigation, fire fighting and prevention,*
14 *damage control, personal survival, emergency medical*
15 *care, emergency drills, and weather;*

16 “(B) *require an individual to demonstrate abil-*
17 *ity to communicate in an emergency situation and*
18 *understand information found in navigation publica-*
19 *tions;*

20 “(C) *recognize and give credit for recent past ex-*
21 *perience in fishing vessel operation; and*

22 “(D) *provide for issuance of a certificate to an*
23 *individual that has successfully completed the pro-*
24 *gram.*

1 “(3) *The Secretary shall prescribe regulations imple-*
2 *menting this subsection. The regulations shall require that*
3 *individuals who are issued a certificate under paragraph*
4 *(2)(D) must complete refresher training at least once every*
5 *5 years as a condition of maintaining the validity of the*
6 *certificate.*

7 “(4) *The Secretary shall establish a publicly accessible*
8 *electronic database listing the names of individuals who*
9 *have participated in and received a certificate confirming*
10 *successful completion of a training program approved by*
11 *the Secretary under this section.*

12 “(h) *A vessel to which this chapter applies shall be con-*
13 *structed in a manner that provides a level of safety equiva-*
14 *lent to the minimum safety standards the Secretary may*
15 *established for recreational vessels under section 4302, if—*

16 “(1) *subsection (b) of this section applies to the*
17 *vessel;*

18 “(2) *the vessel is less than 50 feet overall in*
19 *length; and*

20 “(3) *the vessel is built after January 1, 2010.*

21 “(i)(1) *The Secretary shall establish a Fishing Safety*
22 *Training Grants Program to provide funding to munici-*
23 *palities, port authorities, other appropriate public entities,*
24 *not-for-profit organizations, and other qualified persons*
25 *that provide commercial fishing safety training—*

1 “(A) to conduct fishing vessel safety training for
2 vessel operators and crewmembers that—

3 “(i) in the case of vessel operators, meets the
4 requirements of subsection (g); and

5 “(ii) in the case of crewmembers, meets the
6 requirements of subsection (g)(2)(A), such re-
7 quirements of subsection (g)(2)(B) as are appro-
8 priate for crewmembers, and the requirements of
9 subsections (g)(2)(D), (g)(3), and (g)(4); and

10 “(B) for purchase of safety equipment and train-
11 ing aids for use in those fishing vessel safety training
12 programs.

13 “(2) The Secretary shall award grants under this sub-
14 section on a competitive basis.

15 “(3) The Federal share of the cost of any activity car-
16 ried out with a grant under this subsection shall not exceed
17 75 percent.

18 “(4) There is authorized to be appropriated \$3,000,000
19 for each of fiscal years 2010 through 2014 for grants under
20 this subsection.

21 “(j)(1) The Secretary shall establish a Fishing Safety
22 Research Grant Program to provide funding to individuals
23 in academia, members of non-profit organizations and busi-
24 nesses involved in fishing and maritime matters, and other
25 persons with expertise in fishing safety, to conduct research

1 *on methods of improving the safety of the commercial fish-*
 2 *ing industry, including vessel design, emergency and sur-*
 3 *vival equipment, enhancement of vessel monitoring systems,*
 4 *communications devices, de-icing technology, and severe*
 5 *weather detection.*

6 “(2) *The Secretary shall award grants under this sub-*
 7 *section on a competitive basis.*

8 “(3) *The Federal share of the cost of any activity car-*
 9 *ried out with a grant under this subsection shall not exceed*
 10 *75 percent.*

11 “(4) *There is authorized to be appropriated \$3,000,000*
 12 *for each fiscal years 2010 through 2014 for activities under*
 13 *this subsection.”.*

14 (b) *CONFORMING AMENDMENT.*—Section 4506(b) of
 15 *title 46, United States Code, is repealed.*

16 (c) *ADVISORY COMMITTEE.*—

17 (1) *CHANGE OF NAME.*—Section 4508 of title 46,
 18 *United States Code, is amended—*

19 (A) *by striking the section heading and in-*
 20 *serting the following:*

21 “**§4508. Commercial Fishing Safety Advisory Com-**
 22 **mittee”;**

23 *and*

24 (B) *in subsection (a) by striking “Industry*
 25 *Vessel”.*

1 (2) MEMBERSHIP REQUIREMENTS.—Section
2 4508(b)(1) of that title is amended—

3 (A) by striking “seventeen” and inserting
4 “eighteen”;

5 (B) in subparagraph (A)—

6 (i) in the matter preceding clause (i),
7 by striking “from the commercial fishing
8 industry who—” and inserting “who shall
9 represent the commercial fishing industry
10 and who—”; and

11 (ii) in clause (ii), by striking “an
12 uninspected” and inserting “a”;

13 (C) by striking subparagraph (B) and in-
14 serting the following:

15 “(B) three members who shall represent the gen-
16 eral public, including, whenever possible—

17 “(i) an independent expert or consultant in
18 maritime safety;

19 “(ii) a marine surveyor who provides serv-
20 ices to vessels to which this chapter applies; and

21 “(iii) a person familiar with issues affect-
22 ing fishing communities and families of fisher-
23 men;”; and

24 (D) in subparagraph (C)—

1 (i) in the matter preceding clause (i),
 2 by striking “representing each of—” and
 3 inserting “each of whom shall represent—”;

4 (ii) in clause (i), by striking “or ma-
 5 rine surveyors;” and inserting “and marine
 6 engineers;”;

7 (iii) in clause (iii), by striking “and”
 8 after the semicolon at the end;

9 (iv) in clause (iv), by striking the pe-
 10 riod at the end and inserting “; and”; and

11 (v) by adding at the end the following
 12 new clause:

13 “(v) owners of vessels to which this
 14 chapter applies.”.

15 (3) *TERMINATION*.—Section 4508(e)(1) of that
 16 title is amended by striking “September 30, 2010.”
 17 and inserting “September 30, 2020.”.

18 (4) *CLERICAL AMENDMENT*.—The table of sec-
 19 tions at the beginning of chapter 45 of title 46,
 20 United States Code, is amended by striking the item
 21 relating to such section and inserting the following:

“4508. Commercial Fishing Safety Advisory Committee.”.

22 (d) *LOADLINES FOR VESSELS 79 FEET OR GREATER*
 23 *IN LENGTH*.—Section 5102(b)(3) of title 46, United States
 24 Code, is amended by inserting after “vessel” the following

1 “, unless the vessel is built or undergoes a major conversion
2 completed after July 1, 2010”.

3 (e) *CLASSING OF VESSELS.*—

4 (1) *IN GENERAL.*—Section 4503 of title 46,
5 United States Code, is amended—

6 (A) by striking the section heading and in-
7 serting the following:

8 **“§4503. Fishing, fish tender, and fish processing ves-**
9 **sel certification”;**

10 (B) in subsection (a) by striking “fish proc-
11 essing”; and

12 (C) by adding at the end the following:

13 “(c) This section applies to a vessel to which section
14 4502(b) of this title applies that is at least 50 feet overall
15 in length and—

16 “(1) is built after July 1, 2010; or

17 “(2) undergoes a major conversion completed
18 after that date.

19 “(d)(1) After January 1, 2020, a fishing vessel, fish
20 processing vessel, or fish tender vessel to which section
21 4502(b) of this title applies shall comply with an alternate
22 safety compliance program that is developed in cooperation
23 with the commercial fishing industry and prescribed by the
24 Secretary, if the vessel—

25 “(A) is at least 50 feet overall in length;

1 “(B) is built before July 1, 2010; and

2 “(C) is 25 years of age or older.

3 “(2) *Alternative safety compliance programs may be*
4 *developed for purposes of paragraph (1) for specific regions*
5 *and fisheries.*

6 “(3) *A fishing vessel, fish processing vessel, or fish ten-*
7 *der vessel to which section 4502(b) of this title applies that*
8 *was classed before July 1, 2010, shall—*

9 “(A) *remain subject to the requirements of a*
10 *classification society approved by the Secretary; and*

11 “(B) *have on board a certificate from that soci-*
12 *ety.*”.

13 (2) *CLERICAL AMENDMENT.—The table of sec-*
14 *tions at the beginning of chapter 45 of title 46,*
15 *United States Code, is amended by striking the item*
16 *relating to such section and inserting the following:*

“4503. Fishing, fish tender, and fish processing vessel certification.”.

17 (f) *ALTERNATIVE SAFETY COMPLIANCE PROGRAM.—*
18 *No later than January 1, 2017, the Secretary of the depart-*
19 *ment in which the Coast Guard is operating shall prescribe*
20 *an alternative safety compliance program referred to in sec-*
21 *tion 4503(d) of the title 46, United States Code, as amended*
22 *by this section.*

23 **SEC. 5. MARINER RECORDS.**

24 *Section 7502 of title 46, United States Code, is amend-*
25 *ed—*

1 (1) by inserting “(a)” before “The”;

2 (2) by striking “computerized records” and in-
3 serting “records, including electronic records,”; and

4 (3) by adding at the end the following:

5 “(b) The Secretary may prescribe regulations requir-
6 ing a vessel owner or managing operator of a commercial
7 vessel, or the employer of a seaman on that vessel, to main-
8 tain records of each individual engaged on the vessel on
9 matters of engagement, discharge, and service for not less
10 than 5 years after the date of the completion of the service
11 of that individual on the vessel. The regulations may re-
12 quire that a vessel owner, managing operator, or employer
13 shall make these records available to the individual and the
14 Coast Guard on request.

15 “(c) A person violating this section, or a regulation
16 prescribed under this section, is liable to the United States
17 Government for a civil penalty of not more than \$5,000.”.

18 **SEC. 6. DELETION OF EXEMPTION OF LICENSE REQUIRE-**
19 **MENT FOR OPERATORS OF CERTAIN TOWING**
20 **VESSELS.**

21 Section 8905 of title 46, United States Code, is amend-
22 ed—

23 (1) by striking subsection (b); and

24 (2) by redesignating subsection (c) as subsection

25 (b).

1 **SEC. 7. LOG BOOKS.**

2 (a) *IN GENERAL.*—Chapter 113 of title 46, United
3 States Code, is amended by adding at the end the following:

4 **“§ 11304. Additional logbook and entry requirements**

5 “(a) *A vessel of the United States that is subject to*
6 *inspection under section 3301 of this title, except a vessel*
7 *on a voyage from a port in the United States to a port*
8 *in Canada, shall have an official logbook, which shall be*
9 *kept available for review by the Secretary on request.*

10 “(b) *The log book required by subsection (a) shall in-*
11 *clude the following entries:*

12 “(1) *The time when each seaman and each offi-*
13 *cer assumed or relieved the watch.*

14 “(2) *The number of hours in service to the vessels*
15 *of each seaman and each officer.*

16 “(3) *An account of each accident, illness, and in-*
17 *jury that occurs during each watch.”.*

18 (b) *CLERICAL AMENDMENT.*—*The table of sections at*
19 *the beginning of such chapter is amended by adding at the*
20 *end the following:*

“11304. *Additional logbook and entry requirements.*”.

21 **SEC. 8. SAFE OPERATIONS AND EQUIPMENT STANDARDS.**

22 (a) *IN GENERAL.*—Chapter 21 of title 46, United
23 States Code, is amended by adding at the end the following
24 *new sections:*

1 **“§2116. Termination for unsafe operation**

2 *“An individual authorized to enforce this title—*

3 *“(1) may remove a certificate required by this*
 4 *title from a vessel that is operating in a condition*
 5 *that does not comply with the provisions of the certifi-*
 6 *cate;*

7 *“(2) may order the individual in charge of a ves-*
 8 *sel that is operating that does not have on board the*
 9 *certificate required by this title to return the vessel to*
 10 *a mooring and to remain there until the vessel is in*
 11 *compliance with this title; and*

12 *“(3) may direct the individual in charge of a*
 13 *vessel to which this title applies to immediately take*
 14 *reasonable steps necessary for the safety of individuals*
 15 *on board the vessel if the official observes the vessel*
 16 *being operated in an unsafe condition that the official*
 17 *believes creates an especially hazardous condition, in-*
 18 *cluding ordering the individual in charge to return*
 19 *the vessel to a mooring and to remain there until the*
 20 *situation creating the hazard is corrected or ended.*

21 **“§2117. Establishment of equipment standards**

22 *“(a) In establishing standards for approved equipment*
 23 *required on vessels subject to part B of this title, the Sec-*
 24 *retary shall establish standards that are—*

25 *“(1) based on performance using the best avail-*
 26 *able technology that is economically achievable; and*

1 “(2) operationally practical.

2 “(b) Using the standards established under subsection
3 (a), the Secretary may also certify lifesaving equipment
4 that is not required to be carried on vessels subject to part
5 B of this title to ensure that such equipment is suitable for
6 its intended purpose.

7 “(c) At least once every 10 years the Secretary shall
8 review and revise the standards established under subsection
9 (a) to ensure that the standards meet the requirements of
10 this section.”.

11 (b) CLERICAL AMENDMENT.—The table of sections at
12 the beginning of such chapter is amended by adding at the
13 end the following:

“2116. Termination for unsafe operation.

“2117. Establishment of equipment standards.”.

14 **SEC. 9. APPROVAL OF SURVIVAL CRAFT.**

15 (a) IN GENERAL.—Chapter 31 of title 46, United
16 States Code, is amended by adding at the end the following
17 new section:

18 **“§ 3104. Survival craft**

19 “(a) Except as provided in subsection (b), the Sec-
20 retary may not approve a survival craft as a safety device
21 for purposes of this part, unless the craft ensures that no
22 part of an individual is immersed in water.

23 “(b) The Secretary may authorize a survival craft that
24 does not provide protection described in subsection (a) to

1 *remain in service until not later than January 1, 2015,*
 2 *if—*

3 *“(1) it was approved by the Secretary before*
 4 *January 1, 2010; and*

5 *“(2) it is in serviceable condition.”.*

6 *(b) CLERICAL AMENDMENT.—The table of sections at*
 7 *the beginning of such chapter is amended by adding at the*
 8 *end the following:*

“3104. Survival craft.”.

9 **SEC. 10. SAFETY MANAGEMENT.**

10 *(a) VESSELS TO WHICH REQUIREMENTS APPLY.—Sec-*
 11 *tion 3202 of title 46, United States Code, is amended—*

12 *(1) in subsection (a) by striking the heading and*
 13 *inserting “FOREIGN VOYAGES AND FOREIGN VES-*
 14 *SELS.—”;*

15 *(2) by redesignating subsections (b) and (c) as*
 16 *subsections (c) and (d), respectively;*

17 *(3) by inserting after subsection (a) the fol-*
 18 *lowing:*

19 *“(b) OTHER PASSENGER VESSELS.—This chapter ap-*
 20 *plies to a vessel that is—*

21 *“(1) a passenger vessel or small passenger vessel;*
 22 *and*

23 *“(2) is transporting more passengers than a*
 24 *number prescribed by the Secretary based on the*

1 *number of individuals on the vessel that could be*
 2 *killed or injured in a marine casualty.”;*

3 *(4) in subsection (d), as so redesignated, by*
 4 *striking “subsection (b)” and inserting “subsection*
 5 *(c)”;*

6 *(5) in subsection (d)(4), as so redesignated, by*
 7 *inserting “that is not described in subsection (b) of*
 8 *this section” after “waters”.*

9 ***(b) SAFETY MANAGEMENT SYSTEM.***—*Section 3203 of*
 10 *title 46, United States Code, is amended by adding at the*
 11 *end the following new subsection:*

12 *“(c) In prescribing regulations for passenger vessels*
 13 *and small passenger vessels, the Secretary shall consider—*

14 *“(1) the characteristics, methods of operation,*
 15 *and nature of the service of these vessels; and*

16 *“(2) with respect to vessels that are ferries, the*
 17 *sizes of the ferry systems within which the vessels op-*
 18 *erate.”.*

19 ***SEC. 11. PROTECTION AGAINST DISCRIMINATION.***

20 ***(a) IN GENERAL.***—*Section 2114 of title 46, United*
 21 *States Code, is amended—*

22 *(1) in subsection (a)(1)(A), by striking “or” after*
 23 *the semicolon;*

24 *(2) in subsection (a)(1)(B), by striking the pe-*
 25 *riod at the end and inserting a semicolon;*

1 (3) by adding at the end of subsection (a)(1) the
2 following new subparagraphs:

3 “(C) the seaman testified in a proceeding
4 brought to enforce a maritime safety law or regula-
5 tion prescribed under that law;

6 “(D) the seaman notified, or attempted to notify,
7 the vessel owner or the Secretary of a work-related
8 personal injury or work-related illness of a seaman;

9 “(E) the seaman cooperated with a safety inves-
10 tigation by the Secretary or the National Transpor-
11 tation Safety Board;

12 “(F) the seaman furnished information to the
13 Secretary, the National Transportation Safety Board,
14 or any other public official as to the facts relating to
15 any marine casualty resulting in injury or death to
16 an individual or damage to property occurring in
17 connection with vessel transportation; or

18 “(G) the seaman accurately reported hours of
19 duty under this part.”; and

20 (4) by amending subsection (b) to read as fol-
21 lows:

22 “(b) A seaman alleging discharge or discrimination in
23 violation of subsection (a) of this section, or another person
24 at the seaman’s request, may file a complaint with respect
25 to such allegation in the same manner as a complaint may

1 *be filed under subsection (b) of section 31105 of title 49.*
 2 *Such complaint shall be subject to the procedures, require-*
 3 *ments, and rights described in that section, including with*
 4 *respect to the right to file an objection, the right of a person*
 5 *to file for a petition for review under subsection (c) of that*
 6 *section, and the requirement to bring a civil action under*
 7 *subsection (d) of that section.”.*

8 *(b) EXISTING ACTIONS.—This section shall not affect*
 9 *the application of section 2114(b) of title 46, United States*
 10 *Code, as in effect before the date of enactment of this Act,*
 11 *to an action filed under that section before that date.*

12 **SEC. 12. OIL FUEL TANK PROTECTION.**

13 *Section 3306 of title 46, United States Code, is amend-*
 14 *ed by adding at the end the following new subsection:*

15 *“(k)(1) Each vessel of the United States that is con-*
 16 *structed under a contract entered into after the date of en-*
 17 *actment of the Maritime Safety Act of 2009, or that is deliv-*
 18 *ered after January 1, 2011, with an aggregate capacity of*
 19 *600 cubic meters or more of oil fuel, shall comply with the*
 20 *requirements of Regulation 12A under Annex I to the Pro-*
 21 *TOCOL of 1978 relating to the International Convention for*
 22 *the Prevention of Pollution from Ships, 1973, entitled ‘Oil*
 23 *Fuel Tank Protection.’*

24 *“(2) The Secretary may prescribe regulations to apply*
 25 *the requirements described in Regulation 12A to vessels de-*

1 scribed in paragraph (1) that are not otherwise subject to
 2 that convention. Any such regulation shall be considered to
 3 be an interpretive rule for the purposes of section 553 of
 4 title 5.

5 “(3) In this subsection the term ‘oil fuel’ means any
 6 oil used as fuel in connection with the propulsion and aux-
 7 iliary machinery of the vessel in which such oil is carried.”.

8 **SEC. 13. OATHS.**

9 Sections 7105 and 7305 of title 46, United States Code,
 10 and the items relating to such sections in the analysis for
 11 chapters 71 and 73 of such title, are repealed.

12 **SEC. 14. DURATION OF CREDENTIALS.**

13 (a) *MERCHANT MARINER’S DOCUMENTS*.—Section
 14 7302(f) of title 46, United States Code, is amended to read
 15 as follows:

16 “(f) *PERIODS OF VALIDITY AND RENEWAL OF MER-*
 17 *CHANT MARINERS’ DOCUMENTS*.—

18 “(1) *IN GENERAL*.—Except as provided in sub-
 19 section (g), a merchant mariner’s document issued
 20 under this chapter is valid for a 5-year period and
 21 may be renewed for additional 5-year periods.

22 “(2) *ADVANCE RENEWALS*.—A renewed merchant
 23 mariner’s document may be issued under this chapter
 24 up to 8 months in advance but is not effective until
 25 the date that the previously issued merchant mari-

1 *ner's document expires or until the completion of any*
 2 *active suspension or revocation of that previously*
 3 *issued merchant mariner's document, whichever is*
 4 *later.”.*

5 *(b) DURATION OF LICENSES.—Section 7106 of such*
 6 *title is amended to read as follows:*

7 **“§ 7106. Duration of licenses**

8 *“(a) IN GENERAL.—A license issued under this part*
 9 *is valid for a 5-year period and may be renewed for addi-*
 10 *tional 5-year periods; except that the validity of a license*
 11 *issued to a radio officer is conditioned on the continuous*
 12 *possession by the holder of a first-class or second-class ra-*
 13 *diotelegraph operator license issued by the Federal Commu-*
 14 *nications Commission.*

15 *“(b) ADVANCE RENEWALS.—A renewed license issued*
 16 *under this part may be issued up to 8 months in advance*
 17 *but is not effective until the date that the previously issued*
 18 *license expires or until the completion of any active suspen-*
 19 *sion or revocation of that previously issued merchant mari-*
 20 *ner's document, whichever is later.”.*

21 *(c) CERTIFICATES OF REGISTRY.—Section 7107 of*
 22 *such title is amended to read as follows:*

23 **“§ 7107. Duration of certificates of registry**

24 *“(a) IN GENERAL.—A certificate of registry issued*
 25 *under this part is valid for a 5-year period and may be*

1 renewed for additional 5-year periods; except that the valid-
 2 ity of a certificate issued to a medical doctor or professional
 3 nurse is conditioned on the continuous possession by the
 4 holder of a license as a medical doctor or registered nurse,
 5 respectively, issued by a State.

6 “(b) *ADVANCE RENEWALS.*—A renewed certificate of
 7 registry issued under this part may be issued up to 8
 8 months in advance but is not effective until the date that
 9 the previously issued certificate of registry expires or until
 10 the completion of any active suspension or revocation of
 11 that previously issued merchant mariner’s document,
 12 whichever is later.”.

13 **SEC. 15. FINGERPRINTING.**

14 (a) *MERCHANT MARINER LICENSES AND DOCU-*
 15 *MENTS.*—Chapter 75 of title 46, United States Code, is
 16 amended by adding at the end the following:

17 **“§ 7507. Fingerprinting**

18 “The Secretary of the Department in which the Coast
 19 Guard is operating may not require an individual to be
 20 fingerprinted for the issuance or renewal of a license, a cer-
 21 tificate of registry, or a merchant mariner’s document
 22 under chapter 71 or 73 if the individual was fingerprinted
 23 when the individual applied for a transportation security
 24 card under section 70105.”.

1 (b) *CLERICAL AMENDMENT.*—*The analysis for such*
 2 *chapter is amended by adding at the end the following:*

“7507. Fingerprinting.”.

3 **SEC. 16. AUTHORIZATION TO EXTEND THE DURATION OF**
 4 **LICENSES, CERTIFICATES OF REGISTRY, AND**
 5 **MERCHANT MARINERS’ DOCUMENTS.**

6 (a) *MERCHANT MARINER LICENSES AND DOCU-*
 7 *MENTS.*—*Chapter 75 of title 46, United States Code, as*
 8 *amended by section 15(a) of this Act, is further amended*
 9 *by adding at the end the following:*

10 **“§ 7508. Authority to extend the duration of licenses,**
 11 **certificates of registry, and merchant**
 12 **mariner documents**

13 “(a) *LICENSES AND CERTIFICATES OF REGISTRY.*—
 14 *Notwithstanding sections 7106 and 7107, the Secretary of*
 15 *the department in which the Coast Guard is operating*
 16 *may—*

17 “(1) *extend for not more than one year an expir-*
 18 *ing license or certificate of registry issued for an indi-*
 19 *vidual under chapter 71 if the Secretary determines*
 20 *that the extension is required to enable the Coast*
 21 *Guard to eliminate a backlog in processing applica-*
 22 *tions for those licenses or certificates of registry or in*
 23 *response to a national emergency or natural disaster,*
 24 *as deemed necessary by the Secretary; or*

1 “(2) issue for not more than five years an expir-
2 ing license or certificate of registry issued for an indi-
3 vidual under chapter 71 for the exclusive purpose of
4 aligning the expiration date of such license or certifi-
5 cate of registry with the expiration date of a mer-
6 chant mariner’s document.

7 “(b) *MERCHANT MARINER DOCUMENTS*.—Notwith-
8 standing section 7302(g), the Secretary may—

9 “(1) extend for not more than one year an expir-
10 ing merchant mariner’s document issued for an indi-
11 vidual under chapter 71 if the Secretary determines
12 that the extension is required to enable the Coast
13 Guard to eliminate a backlog in processing applica-
14 tions for those licenses or certificates of registry or in
15 response to a national emergency or natural disaster,
16 as deemed necessary by the Secretary; or

17 “(2) issue for not more than five years an expir-
18 ing merchant mariner’s document issued for an indi-
19 vidual under chapter 71 for the exclusive purpose of
20 aligning the expiration date of such merchant mari-
21 ner’s document with the expiration date of a mer-
22 chant mariner’s document.

23 “(c) *MANNER OF EXTENSION*.—Any extensions grant-
24 ed under this section may be granted to individual seamen
25 or a specifically identified group of seamen.”.

1 (b) *CLERICAL AMENDMENT.*—*The analysis for such*
 2 *chapter, as amended by section 15(b), is further amended*
 3 *by adding at the end the following:*

“7508. Authority to extend the duration of licenses, certificates of registry, and merchant mariner documents.”.

4 **SEC. 17. MERCHANT MARINER DOCUMENTATION.**

5 (a) *INTERIM CLEARANCE PROCESS.*—*Not later than*
 6 *180 days after the date of enactment of this Act, the Sec-*
 7 *retary of the department in which the Coast Guard is oper-*
 8 *ating shall develop an interim clearance process for*
 9 *issuance of a merchant mariner document to enable a newly*
 10 *hired seaman to begin working on an offshore supply vessel*
 11 *or towing vessel if the Secretary makes an initial deter-*
 12 *mination that the seaman does not pose a safety and secu-*
 13 *rity risk.*

14 (b) *CONTENTS OF PROCESS.*—*The process under sub-*
 15 *section (a) shall include a check against the consolidated*
 16 *and integrated terrorist watch list maintained by the Fed-*
 17 *eral Government, review of the seaman’s criminal record,*
 18 *and review of the results of testing the seaman for use of*
 19 *a dangerous drug (as defined in section 2101 of title 46,*
 20 *United States Code) in violation of law or Federal regula-*
 21 *tion.*

22 **SEC. 18. MERCHANT MARINER ASSISTANCE REPORT.**

23 *Not later than 180 days after the date of enactment*
 24 *of this Act, the Commandant of the Coast Guard shall sub-*

1 *mit to the Committee on Transportation and Infrastructure*
2 *of the House of Representatives and the Committee on Com-*
3 *merce, Science, and Transportation of the Senate a report*
4 *regarding the feasibility of—*

5 *(1) expanding the streamlined evaluation process*
6 *program that was affiliated with the Houston Re-*
7 *gional Examination Center of the Coast Guard to all*
8 *processing centers of the Coast Guard nationwide;*

9 *(2) including proposals to simplify the applica-*
10 *tion process for a license as an officer, staff officer, or*
11 *operator and for a merchant mariner's document to*
12 *help eliminate errors by merchant mariners when*
13 *completing the application form (CG-719B), includ-*
14 *ing instructions attached to the application form and*
15 *a modified application form for renewals with ques-*
16 *tions pertaining only to the period of time since the*
17 *previous application;*

18 *(3) providing notice to an applicant of the status*
19 *of the pending application, including a process to*
20 *allow the applicant to check on the status of the ap-*
21 *plication by electronic means; and*

22 *(4) ensuring that all information collected with*
23 *respect to applications for new or renewed licenses,*
24 *merchant mariner documents, and certificates of reg-*
25 *istry is retained in a secure electronic format.*

1 **SEC. 19. OFFSHORE SUPPLY VESSELS.**

2 (a) *DEFINITION.*—Section 2101(19) of title 46, United
3 States Code, is amended by striking “of more than 15 gross
4 tons but less than 500 gross tons as measured under section
5 14502 of this title, or an alternate tonnage measured under
6 section 14302 of this title as prescribed by the Secretary
7 under section 14104 of this title”.

8 (b) *EXEMPTION.*—Section 5209(b)(1) of the Oceans Act
9 of 1992 (Public Law 102–587; 46 U.S.C. 2101 note) is
10 amended by inserting before the period at the end the fol-
11 lowing: “of less than 500 gross tons as measured under sec-
12 tion 14502, or an alternate tonnage measured under section
13 14302 of this title as prescribed by the Secretary under sec-
14 tion 14104 of this title”.

15 (c) *REMOVAL OF TONNAGE LIMITS.*—

16 (1) *ABLE SEAMEN-OFFSHORE SUPPLY VES-*
17 *SELS.*—Section 7310 of title 46, United States Code,
18 is amended by striking “of less than 500 gross tons
19 as measured under section 14502 of this title, or an
20 alternate tonnage measured under section 14302 of
21 this title as prescribed by the Secretary under section
22 14104 of this title”.

23 (2) *SCALE OF EMPLOYMENT: ABLE SEAMEN.*—
24 Section 7312(d) of title 46, United States Code, is
25 amended by striking “of less than 500 gross tons as
26 measured under section 14502 of this title, or an al-

1 *ternate tonnage measured under section 14302 of this*
 2 *title as prescribed by the Secretary under section*
 3 *14104 of this title”.*

4 (d) *WATCHES.*—Section 8104 of title 46, United States
 5 *Code, is amended—*

6 (1) *in subsection (g), by inserting after “offshore*
 7 *supply vessel” the following: “of less than 500 gross*
 8 *tons as measured under section 14502 of this title, or*
 9 *less than 6,000 gross tons as measured under section*
 10 *14302 of this title as prescribed by the Secretary*
 11 *under section 14104 of this title”;*

12 (2) *in subsection (d), by inserting “(1)” after*
 13 *“(d)”, and by adding at the end the following:*

14 *“(2) Paragraph (1) does not apply to an offshore sup-*
 15 *ply vessel of at least 6,000 gross tons as measured under*
 16 *section 14302 of this title if the individuals engaged on the*
 17 *vessel are in compliance with hours of service requirements*
 18 *(including recording and record-keeping of that service)*
 19 *prescribed by the Secretary.”; and*

20 (3) *in subsection (e), by striking “subsection (d)”*
 21 *and inserting “subsection (d)(1)”.*

22 (e) *MINIMUM NUMBER OF LICENSED INDIVIDUALS.*—
 23 *Section 8301(b) of title 46, United States Code, is amended*
 24 *to read as follows:*

1 “(b)(1) *An offshore supply vessel of less than 6,000*
 2 *gross tons, as measured under section 14302 of this title,*
 3 *on a voyage of less than 600 miles shall have at least one*
 4 *licensed mate. Such a vessel on a voyage of 600 miles or*
 5 *more shall have two licensed mates.*

6 “(2) *An offshore supply vessel of more than 200 gross*
 7 *tons as measured under section 14502 of this title, or an*
 8 *alternate tonnage measured under section 14302 of this title*
 9 *as prescribed by the Secretary under section 14104 of this*
 10 *title, may not be operated without a licensed engineer.*

11 “(3) *An offshore supply vessel shall have at least one*
 12 *mate. Additional mates on an offshore supply vessel of at*
 13 *least 6,000 gross tons as measured under section 14302 of*
 14 *this title shall be prescribe in accordance with hours of serv-*
 15 *ice requirements (including recording and record-keeping of*
 16 *that service) prescribed by the Secretary.”.*

17 (f) *REGULATIONS.—*

18 (1) *IN GENERAL.—The Secretary of the depart-*
 19 *ment in which the Coast Guard is operating shall*
 20 *promulgate regulations to implement the amendments*
 21 *enacted by this section and chapter 37 of title 46,*
 22 *United States Code, for offshore supply vessels of at*
 23 *least 6,000 gross tons, before January 1, 2010.*

24 (2) *INTERIM FINAL RULE AUTHORITY.—The Sec-*
 25 *retary shall issue an interim final rule as a tem-*

1 porary regulation implementing this section (includ-
2 ing the amendments made by this section), and chap-
3 ter 37 of title 46, United States Code, for offshore sup-
4 ply vessels of at least 6,000 gross tons, as soon as
5 practicable after the date of enactment of this section,
6 without regard to the provisions of chapter 5 of title
7 5, United States Code. All regulations prescribed
8 under the authority of this paragraph that are not
9 earlier superseded by final regulations shall expire
10 not later than 1 year after the date of enactment of
11 this Act.

12 (3) *INITIATION OF RULEMAKING.*—The Secretary
13 may initiate a rulemaking to implement this section
14 (including the amendments made by this section),
15 and chapter 37 of title 46, United States Code, for off-
16 shore supply vessels of at least 6,000 gross tons, as
17 soon as practicable after the date of enactment of this
18 section. The final rule issued pursuant to that rule-
19 making may supersede the interim final rule promul-
20 gated under this subsection.

21 (4) *INTERIM PERIOD.*—After the date of enact-
22 ment of this Act and prior to the effective date of the
23 regulations promulgated to implement the amend-
24 ments enacted by this section under paragraph (2),
25 and notwithstanding the tonnage limits of applicable

1 *regulations promulgated prior to the date of enact-*
2 *ment of this Act, the Secretary may—*

3 *(A) issue a certificate of inspection under*
4 *section 3309 of title 46, United States Code, to*
5 *an offshore supply vessel of at least 500 gross*
6 *tons as measured under section 14502 of title 46,*
7 *United States Code, or of at least 6,000 gross*
8 *tons as measured under section 14302 of title 46,*
9 *United States Code, if the Secretary determines*
10 *that such vessel's arrangements, equipment, clas-*
11 *sification, and certifications provide for the safe*
12 *carriage of individuals in addition to the crew*
13 *and oil and hazardous substances, taking into*
14 *consideration the characteristics of offshore sup-*
15 *ply vessels, their methods of operation, and their*
16 *service in support of exploration, exploitation, or*
17 *production of offshore mineral or energy re-*
18 *sources;*

19 *(B) for the purpose of enforcing chapter 37*
20 *of title 46, United States Code, use tank vessel*
21 *standards for offshore supply vessels of at least*
22 *6,000 gross tons after considering the character-*
23 *istics, methods of operation, and nature of the*
24 *service of the vessel; and*

1 (C) authorize a master, mate, or engineer
 2 whom the Secretary decides possesses the experi-
 3 ence on an offshore supply vessel under 6,000
 4 gross tons to serve on an offshore supply vessel
 5 over at least 6,000 gross tons.

6 **SEC. 20. ASSOCIATED EQUIPMENT.**

7 Section 2101(1)(B) of title 46, United States Code,
 8 is amended by inserting “with the exception of emergency
 9 locator beacons,” before “does”.

10 **SEC. 21. LIFESAVING DEVICES ON UNINSPECTED VESSELS.**

11 Section 4102(b) of title 46, United States Code, is
 12 amended to read as follows:

13 “(b) The Secretary shall prescribe regulations requir-
 14 ing the installation, maintenance, and use of life preservers
 15 and other lifesaving devices for individuals on board
 16 uninspected vessels.”.

17 **SEC. 22. STUDY OF BLENDED FUELS IN MARINE APPLICA-**
 18 **TION.**

19 (a) *SURVEY.*—

20 (1) *IN GENERAL.*—Not later than 180 days after
 21 the date of enactment of this Act, the Secretary of
 22 Homeland Security, acting through the Commandant
 23 of the Coast Guard, shall submit a survey of pub-
 24 lished data and reports, pertaining to the use, safety,
 25 and performance of blended fuels in marine applica-

tions, to the Committee on Transportation and Infrastructure of the House of Representatives and the Committees on Commerce, Science, and Transportation of the Senate.

(2) *INCLUDED INFORMATION.*—To the extent possible, the survey required in subsection (a), shall include data and reports on—

(A) the impact of blended fuel on the operation, durability, and performance of recreational and commercial marine engines, vessels, and marine engine and vessel components and associated equipment;

(B) the safety impacts of blended fuels on consumers that own and operate recreational and commercial marine engines and marine engine components and associated equipment; and

(C) to the extent available, fires and explosions on board vessels propelled by engines using blended fuels.

(b) *STUDY.*—

(1) *IN GENERAL.*—Not later than 36 months after the date of enactment of this Act, the Secretary, acting through the Commandant, shall conduct a comprehensive study on the use, safety, and performance of blended fuels in marine applications. The Sec-

1 *retary is authorized to conduct such study in conjunc-*
 2 *tion with—*

3 *(A) any other Federal agency;*

4 *(B) any State government or agency;*

5 *(C) any local government or agency, includ-*
 6 *ing local police and fire departments; and*

7 *(D) any private entity, including engine*
 8 *and vessel manufacturers.*

9 *(2) EVALUATION.—The study shall include an*
 10 *evaluation of—*

11 *(A) the impact of blended fuel on the oper-*
 12 *ation, durability and performance of rec-*
 13 *reational and commercial marine engines, ves-*
 14 *sels, and marine engine and vessel components*
 15 *and associated equipment;*

16 *(B) the safety impacts of blended fuels on*
 17 *consumers that own and operate recreational*
 18 *and commercial marine engines and marine en-*
 19 *gine components and associated equipment; and*

20 *(C) fires and explosions on board vessels*
 21 *propelled by engines using blended fuels.*

22 *(c) AUTHORIZATION OF APPROPRIATIONS.—There is*
 23 *authorized to be appropriated to the Secretary of Homeland*
 24 *Security to carry out the survey and study under this sec-*
 25 *tion \$1,000,000.*

1 **SEC. 23. RENEWAL OF ADVISORY COMMITTEES.**

2 (a) GREAT LAKES PILOTAGE ADVISORY COM-
3 MITTEE.—Section 9307(f)(1) of title 46, United States
4 Code, is amended by striking “September 30, 2010.” and
5 inserting “September 30, 2020.”.

6 (b) NATIONAL BOATING SAFETY ADVISORY COUN-
7 CIL.—Section 13110 of title 46, United States Code, is
8 amended—

9 (1) in subsection (d), by striking the first sen-
10 tence; and

11 (2) in subsection (e), by striking “September 30,
12 2010.” and inserting “September 30, 2020.”.

13 (c) HOUSTON-GALVESTON NAVIGATION SAFETY ADVI-
14 SORY COMMITTEE.—Section 18(h) of the Coast Guard Au-
15 thorization Act of 1991 (Public Law 102–241 as amended
16 by Public Law 104–324) is amended by striking “Sep-
17 tember 30, 2010.” and inserting “September 30, 2020.”.

18 (d) LOWER MISSISSIPPI RIVER WATERWAY SAFETY
19 ADVISORY COMMITTEE.—Section 19 of the Coast Guard Au-
20 thorization Act of 1991 (Public Law 102–241) is amend-
21 ed—

22 (1) in subsection (b)—

23 (A) in the matter preceding paragraph (1),
24 by striking “twenty-four” and inserting “twenty-
25 five”; and

1 (B) by adding at the end the following new
2 paragraph:

3 “(12) One member representing the Associated
4 Federal Pilots and Docking Masters of Louisiana.”;
5 and

6 (2) in subsection (g), by striking “September 30,
7 2010.” and inserting “September 30, 2020.”.

8 (e) TOWING SAFETY ADVISORY COMMITTEE.—*The Act*
9 *to Establish a Towing Safety Advisory Committee in the*
10 *Department of Transportation (33 U.S.C. 1231a) is amend-*
11 *ed—*

12 (1) by striking subsection (a) and inserting the
13 following:

14 “(a) There is established a Towing Safety Advisory
15 Committee (hereinafter referred to as the ‘Committee’). The
16 Committee shall consist of eighteen members with par-
17 ticular expertise, knowledge, and experience regarding shal-
18 low-draft inland and coastal waterway navigation and tow-
19 ing safety as follows:

20 “(1) Seven members representing the barge and
21 towing industry, reflecting a regional geographic bal-
22 ance.

23 “(2) One member representing the offshore min-
24 eral and oil supply vessel industry.

1 “(3) One member representing holders of active
2 *licensed Masters or Pilots of towing vessels with expe-*
3 *rience on the Western Rivers and the Gulf Intra-*
4 *coastal Waterway.*

5 “(4) One member representing the holders of ac-
6 *tive licensed Masters of towing vessels in offshore serv-*
7 *ice.*

8 “(5) One member representing Masters who are
9 *active ship-docking or harbor towing vessel.*

10 “(6) One member representing licensed or unli-
11 *censed towing vessel engineers with formal training*
12 *and experience.*

13 “(7) Two members representing each of the fol-
14 *lowing groups:*

15 “(A) Port districts, authorities, or terminal
16 *operators.*

17 “(B) Shippers (of whom at least one shall
18 *be engaged in the shipment of oil or hazardous*
19 *materials by barge).*

20 “(8) Two members representing the general pub-
21 *lic.”; and*

22 (2) in subsection (e), by striking “September 30,
23 2010.” and inserting “September 30, 2020.”.

1 (f) *NAVIGATION SAFETY ADVISORY COUNCIL.*—Section
2 5 of the *Inland Navigational Rules Act of 1980 (33 U.S.C.*
3 2073) is amended—

4 (1) *by striking subsections (a) and (b) and in-*
5 *serting the following:*

6 “(a) *ESTABLISHMENT OF COUNCIL.*—

7 “(1) *IN GENERAL.*—The Secretary of the depart-
8 *ment in which the Coast Guard is operating shall es-*
9 *tablish a Navigation Safety Advisory Council (herein-*
10 *after referred to as the ‘Council’), consisting of not*
11 *more than 21 members. All members shall have exper-*
12 *tise in Inland and International vessel navigation*
13 *Rules of the Road, aids to maritime navigation, mar-*
14 *itime law, vessel safety, port safety, or commercial*
15 *diving safety. Upon appointment, all non-Federal*
16 *members shall be designated as representative mem-*
17 *bers to represent the viewpoints and interests of one*
18 *of the following groups or organizations:*

19 “(A) *Commercial vessel owners or operators.*

20 “(B) *Professional mariners.*

21 “(C) *Recreational boaters.*

22 “(D) *The recreational boating industry.*

23 “(E) *State agencies responsible for vessel or*
24 *port safety.*

25 “(F) *The Maritime Law Association.*

1 “(2) *PANELS.*—Additional persons may be ap-
2 pointed to panels of the Council to assist the Council
3 in performance of its functions.

4 “(3) *NOMINATIONS.*—The Secretary, through the
5 Coast Guard Commandant, shall not less often than
6 once a year publish a notice in the Federal Register
7 soliciting nominations for membership on the Coun-
8 cil.

9 “(b) *FUNCTIONS.*—The Council shall advise, consult
10 with, and make recommendations to the Secretary, through
11 the Coast Guard Commandant, on matters relating to mar-
12 itime collisions, rammings, groundings, Inland Rules of the
13 Road, International Rules of the Road, navigation regula-
14 tions and equipment, routing measures, marine informa-
15 tion, diving safety, and aids to navigation systems. Any
16 advice and recommendations made by the Council to the
17 Secretary shall reflect the independent judgment of the
18 Council on the matter concerned. The Council shall meet
19 at the call of the Coast Guard Commandant, but in any
20 event not less than twice during each calendar year. All
21 proceedings of the Council shall be public, and a record of
22 the proceedings shall be made available for public inspec-
23 tion.”; and

24 (2) in subsection (d), by striking “September 30,
25 2010.” and inserting “September 30, 2020.”.

Union Calendar No. 202

11TH CONGRESS
1ST Session

H. R. 2652

[Report No. 111-351]

A BILL

To amend title 46, United States Code, to improve
vessel safety, and for other purposes.

DECEMBER 3, 2009

Reported with an amendment, committed to the Com-
mittee of the Whole House on the State of the Union,
and ordered to be printed